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Clinton's Legacy on Indigenous Issues

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Clinton's legacy on Indigenous issues

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ABSTRACT (ABSTRACT)

The president, of course, has not express constitutional responsibility for Indian nations - that is a power reserved to the Congress under the commerce clause. Nevertheless, it is to the president, dating back to George Washington, who had an active hand in Indian affairs through the treaty process, that tribal nations and their leaders have most often looked to gauge the federal government's character and commitment to fulfill the nation's historic treaty and ongoing trust obligations to indigenous people.

[Clinton]'s appointment of Bruce Babbitt, the former governor of Arizona, home to twenty-one reservations, to be the Secretary of the Interior, and Ada Deer, a Menominee Indian leader, and the first Indian woman to serve as the Assistant Secretary of Indian Affairs, were generally viewed as positive appointments throughout Indian Country.

The president seemed taken aback that there were non-recognized tribes and admitted that "you've asked me a question I don't know the answer to. But I'll tell you what I'll do...I will put somebody to work on it the first of the week and I'll try to figure out if there is anything we can do." While some inquiries were made on the president's behalf, the Lumbee, and most other similarly situated tribal groups, remain in a non-recognized status.

FULL TEXT

Clinton's legacy on Indigenous issues

Although he will most likely not act to pardon or grant clemency to Leonard Peltier before he leaves office on January 20, an act that would bring substance to his indigenous record, Clinton's overall legacy, sandwiched by the former and incoming Bush administrations, will likely be perceived by many Indian peoples in muted positive terms, because while he did not engage in major substantive policy developments that could have placed him alongside Richard Nixon who, for all his flaws, is well-remembered in Indian Country, Clinton liberally used his executive order authority and the symbolic power of his office to at least establish generally close ties with many tribal leaders.

The president, of course, has not express constitutional responsibility for Indian nations - that is a power reserved to the Congress under the commerce clause. Nevertheless, it is to the president, dating back to George Washington, who had an active hand in Indian affairs through the treaty process, that tribal nations and their leaders have most often looked to gauge the federal government's character and commitment to fulfill the nation's historic treaty and ongoing trust obligations to indigenous people.

When Clinton became president in 1992 he was a blank slate as far as most Indians were concerned, since Arkansas is not exactly teeming with Indians or reservations. But Clinton's staff had done their homework in an effort to attract as many of the 1 million adult Indian votes (out of a total population of roughly 1.9 million) as

possible in his bid to defeat George Bush.

During his campaign, Clinton promised to support tribal sovereignty, reaffirm the government-to-government relationship, promote true consultation with tribal leaders, support traditional Indian religious expressions, provide more funds for economic development, promote affordable health care, and improve education for Indians. All these pledges struck just the right chord with Indian peoples who, like African-Americans, generally vote overwhelmingly for Democratic office-seekers.

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But an early news conference in February 1992 signaled that the president had much to learn about Indian issues. A member of the Lumbee Tribe of North Carolina, the largest non-federally recognized tribe, questioned what Clinton intended to do about the Lumbee's unofficial status and the difficulties other non-recognized tribes were having with the Bureau of Indian Affairs administrative process to recognized tribes.

The president seemed taken aback that there were non-recognized tribes and admitted that "you've asked me a question I don't know the answer to. But I'll tell you what I'll do...I will put somebody to work on it the first of the week and I'll try to figure out if there is anything we can do." While some inquiries were made on the president's behalf, the Lumbee, and most other similarly situated tribal groups, remain in a non-recognized status.

Although Clinton opted not to forcibly address the issue of federal recognition for non-recognized tribes (his Assistant Secretary, Kevin Gover, who replaced Ada Deer, would in 2000 formally surrender his agency's right to recognize tribes), he stepped up his efforts to at least provide symbolic recognition of the rights and status of recognized tribes.

On April 29, 1994, the Clinton administration and most of his Cabinet, in an historic gathering, met with the leaders of 322 federally-recognized tribes on the White House lawn to broadly discuss the unique relationship that exists between indigenous nations and the U.S. Clinton had formally invited the heads of all 547 recognized tribes to the summit.

Simultaneously, the president issued two memoranda: the first called for executive departments and agencies to be respectful of tribal sovereignty and to operate in a government-to-government relationship with tribal nations; and the second called on those same political entities to work cooperatively with tribal governments in the accommodation of American Indian religious practices, particularly regarding eagle bodies and their feathers.

This impressive assemblage and the two important if minor directives were offset, however, by Clinton's proposal to cut 13% from the Indian Health Service's 1995 budget, the agency responsible for overseeing and administering to the already unsatisfactory health care needs of recognized tribal members.

While some of that money would later be restored, this action sent a message to many Native people that while it is important to listen to what the president said, it was more important to keep an eye on what he was actually doing.

Clinton would, however, use his executive order power several times to provide some benefits to Indians: protection of Indian sacred sites (May 1996); support for tribal colleges and universities (October 1996);

consultation and coordination with Indian tribal governments (May 1998) and comprehensive federal Indian education policy (August 1998).

And as part of his ongoing show of support for Indians, Clinton made two visits to Indian Country. In July 1999, he became the first sitting president since Calvin Coolidge to officially visit a reservation - Pine Ridge Indian Reservation in South Dakota - to promote his economic development program designed to inject badly needed capital into economically depressed regions of the nation.

In April of 2000, he visited Shiprock, New Mexico, in the heart of the Navajo Nation. He was there to promote a 17 million dollar initiative to bridge the "digital divide" that hampers the efforts of residents in Indian Country to compete in the information age due to the lack of modern communication tools. Clinton's visit, not surprisingly, was considered the "top story" of 2000 by the Navajo Times newspaper.

While these two trips signaled important new developments, the major issues that have bedeviled tribes - entrenched poverty (notwithstanding gaming revenues), land claims, lack of enforcement of the trust responsibility, tensions between tribal governments and state officials, the problems of non-recognized tribes, poor health care, inadequate and substandard housing, problems of traditional religious expressions, and inconsistent judicial and congressional policies vis-a-vis tribes - continue to hound native peoples.

Tribes will no doubt continue to look to the U.S. president as the major barometer on how well or not the federal government is fulfilling its legal and moral obligations to indigenous nations. In that vein, the Clinton legacy, with the exception of a few brief surges of momentary if largely symbolic activity, is one that follows the American tradition of inconsistent recognition of Indian legal, political, and property rights, with occasional recognition of their distinctive cultural rights.